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ages, if any, defendant suffered by reason of the injunction. *Held*, that the decree was proper, and that it is clearly within the power of a court awarding and subsequently dissolving an injunction to decide whether or not damages be allowed. *West* v. *East Coast Cedar Co.* (C. C. A.), 113 Fed. 742. Citing *Russell* v. *Farley*, 105 U. S. 442; *Meyers* v. *Block*, 120 U. S. 214; *Coosaw Mining Co.* v. *Farmers' Mining Co.*, 51 Fed. 107.

DEEDS—STANDING TIMBER.—An instrument in the form of a deed purporting to convey to named grantees, their heirs, and assigns, at a specified price per acre, "all the pine timber suitable for saw-mill purposes" on described lots of land, and providing that the balance due on each lot shall be paid when the lot is entered to cut the timber, is held, in *McRae* v. *Stillwell* (Ga.), 55 L. R. A. 513, to make it incumbent upon the grantees or their successors in title to cut and remove such timber from the lots within a reasonable time from the date of the conveyance; and it is held that on failure to do so their interest in the timber ceases.

With this case is a note discussing the authorities on conveyance of title to standing timber without conveying title to the land.

LIBEL—PRIVILEGE—NEWSPAPERS.—In the absence of a statute, newspapers, as such, have no peculiar privilege, but are liable for what they publish in the same manner as the rest of the community. They may report the fact that a person has been arrested and held for examination, but they have no right to go further and assume the guilt of the person charged. *Billet* v. *Times-Democrat Pub. Co.* (La.), 32 S. E. 21. Citing Newell Defam., p. 549; *Tresco* v. *Maddox*, 11 La. Ann. 206, 66 Am. Dec. 1898; *Usher* v. *Severance*, 20 Me. 9, 37 Am. Dec. 33. To the effect that neither reports made to police officers charging persons with crime, nor entries in books kept by detectives are judicial proceedings and therefore privileged, the court cites *Jastrzembski* v. *Marxhausen*, 120 Mich. 677; *McAllister* v. *Press Co.*, 76 Mich. 343, 15 Am. St. R. 318; *Fullerton* v. *Berthiaume* 6 Rap. Jud. Que. C. S. 342; 18 Am. and Eng. Enc. (2d ed.) 1051.

NEGLIGENCE—EVIDENCE—LIFE TABLES.—Where the capacity of one to earn money has been totally destroyed or partially impaired by the negligent act of another so that the injured party is entitled to recover, the measure of damages is the loss which has occurred and will probably occur by reason of the injury.

Tables of life expectancy used by first-class companies are admissible to prove the probable duration of plaintiff's life. *Gulf &c. Ry. Co.* v. *Mangam* (Tex.), 67 S. W. 765. Citing *Ry. Co.* v. *Putnam*, 118 U. S. 554.

In the latter case, an instruction upon the measure of damages, that the defendant company was bound to give the plaintiff an annuity of the amount he had been damaged by the year, for a period equal to his expectation of life, was disapproved as overlooking the consideration that the effect of the injury might vary from year to year and might be either greater or less as time went on.

CRIMINAL LAW—CONFESSIONS—SWEAT-BOX.—A prisoner, upon his arrest was placed in an apartment about five or six feet long by eight feet wide. It was

dark and the walls were blanketed. He was allowed no communication with persons other than the police authorities. After several days of this confinement during hot summer weather, he confessed to an officer, who testified that he neither threatened or held out hope of reward to the prisoner. Held, that the confession was inadmissible, not being voluntary. *Ammons* v. *State* (Miss.), 32 South. 9.

Per Calhoun, J. :

"The confession was not competent to be received as evidence. 6 Am. & Eng. Enc. Law, p. 531, note 3; Id. p. 550, note 7; *Hamilton* v. *State*, 77 Miss. 675, 27 South, 606; *Simon* v. *State*, 37 Miss. 288. Defendant, unless demented, understood that the statement wanted was confession, and that this only meant release from this 'black hole of Calcutta.' Such proceedings as this record discloses cannot be too strongly denounced. They violate every principle of law, reason, humanity, and personal right. They restore the barbarity of ancient and medieval methods. They obstruct, instead of advance, the proper ascertainment of truth. It is far from the duty of an officer to extort confession by punishment. On the contrary, he should warn his prisoner that every statement he may choose to make may be used against him on his trial."

HOMICIDE—LIMITS OF CROSS-EXAMINATION—PRESENCE OF PRISONER.—It is the right and duty of the court to expedite business by curtailing the cross-examination when it runs into mere repetition of questions already asked. Where the cross-examination of a physician covered 232 folios, it was not error for the court to refuse to allow further questions on the same subject. *People* v. *Rader* (Cal.), 68 Pac. 707. Citing *People* v. *Durrant*, 116 Cal. 179.

Where the case had been set for trial on September 2, the defendant having been previously arraigned and having pleaded not guilty, the record being silent as to the presence or absence of the defendant or his counsel at the time the case was so set, the presumption is in favor of the regularity of the proceedings and of the fact that he or they were present. Even where September 2 was a legal holiday, and the court had the case set for trial September 3, the transcript reciting that the defendant was in jail and not in court, a conviction will not be set aside on that ground, the defendant not objecting when the case was called for trial, and it not appearing that he was prejudiced in the least by the resetting. The court cites, however, in support of its ruling the civil code of California, providing that whenever any act is to be performed upon a particular day, which day falls upon a holiday, it may be performed upon the next business day with the same effect. *People* v. *Rader*, *supra*.

The subject of what are proper inferences from a record in a criminal case was considered in *Gilligan's Case*, 99 Va. 816, with the same general result.

GUARANTY—ACCEPTANCE—NOTICE.—An instrument which does not recite any consideration but purports to guarantee the payment of a bill for goods which a third person may buy, where such guaranty was not executed at the request of the guarantee, nor on the guarantee's agreement to accept it, is not binding on the guarantor where there was no notice to or knowledge by guaran-